



September 26, 1980

Fred Myer, Inc.
3800 S.E. 22nd Avenue
Portland, Oregon 97242

Attention: Dennis Gallagher

Re: Wham-O Fun Fountain, Stock #237
Corrective Action Program

Gentlemen:

This letter is written at the request of representatives of the U.S. Consumer Product Safety Commission.

As you may recall, earlier this year Wham-O instituted a Corrective Action Program with regard to the above mentioned product and in the month of March, 1980, as per your telephone request furnished you with 2400 water flow control valve inserts for insertion in Fun Fountain products manufactured by Wham-O prior to December 1, 1979, which were then in your inventory.

Yesterday a representative of the U.S. Consumer Product Safety Commission visited our plant and furnished us with a copy of a consumer product complaint report (copy enclosed) to the effect that your Redmond Store in Bellevue, Washington, in June 1980, was offering for sale Fun Fountains without water flow control valve inserts. Therefore the representative of the Consumer Product Safety Commission requested that we write to you and ask if you need additional water flow control valve inserts and to please install such inserts if any are needed in any inventory that you might still have of this product manufactured prior to December 1, 1979. This "old" product may be identified by a Red Hose Connector. Also the individual carton in which they are packaged does not contain a prominent "IMPORTANT" notice on the front panel and does not contain a "SAFETY CHECK LIST" on the back panel. Would you please check your inventory and advise us.

Our records indicate that you purchased approximately 1824 Fun Fountains from us in 1980, all of which contained water flow control valve inserts. I would

SIMI LEGAL CLINIC

4368 EILEEN STREET · SIMI, CALIFORNIA 93063 · TELEPHONE 527-LAWS

April 11, 1980

Mr. Ken Millard
Wham-O Manufacturing Company
835 E. El Monte Street
San Gabriel, California 91778

Re: JANINE V. LERMA
D/A: 7/30/79

Dear Mr. Millard:

This letter will confirm our telephone conversation of the above date wherein I informed you that I am representing Susan Lerma and her minor daughter, Janine V. Lerma, as a result of injuries sustained in an accident which involved your product the Wham-O "Fun Fountain".

On July 30, 1979 Janine was playing at her next door neighbors home with other children when one of the children turned on a garden hose which had your "Fun Fountain" toy attached. Due to the excessive pressure the hat blew off and a stream of water struck Janine injuring her seriously. I believe that this injury can be directly linked to a defect in the "Fun Fountain."

I have enclosed copies of my client's medical specials and doctor bills to date arising from her injuries. At the present time she is permanent and stationary, however, due to her extremely young age I am informed that it is difficult to state with certainty whether or not she sustained any permanent injury.

As soon as you have had a chance to organize your file please contact me at the above offices so that we might further discuss this case.

Your cooperation in handling this matter is most appreciated.

Very truly yours,

Richard M. Stewart

Richard M. Stewart

RMS:bh
Enclosures



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October 14, 1980

Consumer Product Safety Commission
3660 Wilshire Boulevard
Suite 1100
Los Angeles, CA 90010

Attention: Mr. Wayne Pollack

Re: Wham-O Mfg. Co. - Fun Fountain
CPSC ID #80-16
Voluntary Corrective Action Program

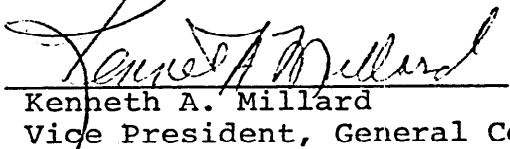
Gentlemen:

Pursuant to our letter of September 26, 1980 our medical consultant, Dr. Russell Fisher, M.D., has talked to Mary Ortschaid regarding the injury to her daughter. A copy of Dr. Fisher's letter of October 9, 1980 to the undersigned is enclosed herewith. We have not yet received the Fun Fountain product in question. If and when it is received and examined, we will be in touch with you further.

Very truly yours

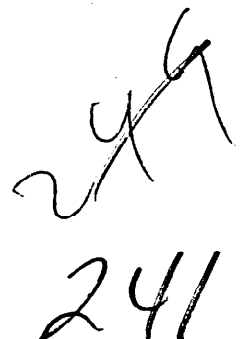
WHAM-O MFG. CO.

By


Kenneth A. Millard
Vice President, General Counsel

KAM/sch
enclosure

cc: Darle Kerkenbush
Dick Gillespie



RUSSELL S. FISHER, M.D.
111 PENN STREET
BALTIMORE, MARYLAND 21201

October 9, 1980

Kenneth Millard
Vice President, General Counsel
Wham-O Mfg. Co.
835 East El Monte Street
San Gabriel, California 91778

RE: Mary Ortschaid - Fun Fountain

Dear Mr. Millard:

This responds to your letter of September 30th concerning the above case. I was able to reach Mrs. Ortschaid by telephone on October 3, 1980. She was cooperative and the following is the information elicited. The child was a five year old girl playing outdoors with other children with the Fun Fountain when she came in and told her mother that she was hurt on her bottom. Her mother checked her and saw nothing abnormal. Later that evening when she went to bed the child cried and the mother re-examined her and saw a "couple" of tiny spots of blood on her undergarment. She called a nurse and asked her what to do and the nurse said simply to watch the child. She did this. There was no further occurrence and within the next day or so the child was perfectly all right. The mother's examination at the time showed a tiny abrasion or laceration (some type of skin break) on the free hymenal edge along with redness of the tissue locally. The mother describes it as "ruptured her hymen" but in fact it appears that the worst that happened was a tiny abrasive injury which lead to the loss of a couple drops of blood. It is apparent that the mother examined the child carefully and there was no really significant laceration.

The child was sitting on the device when someone else turned the hose on. She was wearing a nylon bathing suit. The incident occurred early in September. The mother does not recall the date exactly but it was a day or so before she notified the Wisconsin Product Safety Commission who in turn notified the CPSC.

After she received our letter she examined the toy and found that it is one advertised as having the new safety device on it. I asked her if she still had it and she indicated that she did and I asked her if she would be kind enough to return it to the Wham-O Company.

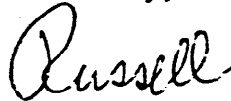
242

October 9, 1980

-2-

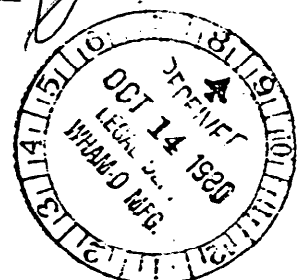
Unfortunately I failed to direct it to anyone's special attention so you will have to alert your Receiving Department to be on the lookout for it. At any rate I promised her I would have our engineers look at it to see if the valve device was functioning properly and would eventually let her know. I do not think there is any probability of significant legal action in the case but, of course, I never discuss this with the people. She did persist in the opinion that it might be dangerous and thought it ought to be off the market.

Yours truly,



Russell S. Fisher, M.D.

RSF/sdh



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NEWS from CPSC

U.S. Consumer Product Safety Commission

FOR RELEASE:

MONDAY, MARCH 10, 1980

WHAM-O TO CORRECT POTENTIAL HAZARD IN CHILDREN'S OUTDOOR WATER TOY

WASHINGTON, D.C. (March 10)-- A program to correct more than 100,000 outdoor "Fun Fountain" water toys which may cause serious injuries to children is being conducted by the Wham-O Mfg. Co. of San Gabriel, California.

The firm, in cooperation with the U.S. Consumer Product Safety Commission, voluntarily will supply free corrective water flow control valve inserts for its "Fun Fountain" toys produced from 1977 through November, 1979.

The toy consists of a clown hat and head which attaches onto the end of a garden hose so that the hat rises in the air when water flows through the clown's head. Children may be inclined to peer into the water outlet and the stream of water could cause serious eye injuries, especially in communities with high water pressure.

CPSC so far has been informed of two consumer complaints since June, 1979, involving a six-year-old boy and a seven-year-old boy who suffered eye injuries when struck at close distance by water emitted from the "Fun Fountain" toys.

-more-

1111 18th Street NW, Rm 303
Washington D.C. 20207

Call
(202) 634
7780

Office of Media Relations
John Bell, Director

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The Wham-O "Fun Fountain" water toys were sold nationwide in toy stores and variety stores for approximately \$10.00 each. The model number of the toy, #237, is imprinted on the toy's package.

According to the company, the potential hazard has been corrected on all "Fun Fountain" toys manufactured since December, 1979 when the toys began to be produced with a water flow control valve to decrease and control the water flow. Such new editions are readily identifiable since they are equipped with a blue hose connector (the older design has a red connector) at the base of the clown head. The words "Important Notice" and "Safety Check List" also are imprinted on the new toy cartons.

If the hose connector is red but contains a blue insert which is clearly visible, then it also has been corrected and is equipped with a water flow control valve.

To correct the potential hazard in "Fun Fountain" toys manufactured before December, 1979, parents are urged to go to the place of purchase to receive a free water flow control valve insert, or they may contact Wham-O directly to receive a free valve insert (Customer Service Dept. 7, 835 East El Monte Street, San Gabriel, California, 91778). Consumers also may telephone Wham-O toll-free at 800/423-4174 (in California, call collect at 213/287-9681).

The water flow control valve snaps easily into the hose connector and once installed will remain firmly within the connector, according to the company.

-more-

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Consumers wishing further information may call CPSC's toll-free Hotline at 800/638-8326; in Maryland, call 800/492-8363; and in Alaska, Hawaii, Puerto Rico and the Virgin Islands, 800/638-8333.

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RECEIVED

15 MAY 80 8:52

COMMUNICATIONS CENTER

AUTOMATIC TELEFACSIMILE TRANSMISSION FORM

1	FROM: <u>A. MARCOS</u> (Name)	<u>LOS-AD</u> (Organization Code)
2	TO: <u>ALL AREA OFFICES</u> (Name)	<u></u> (Organization Code)
3	NUMBER OF PAGES TRANSMITTED: <u>11 + cover</u>	
4	TRANSMITTED BY: <u>MARCOS</u> (Name)	<u>5/14/80</u> (Date)

IMPORTANT!!

Before transmitting any documents to automatic telefacsimile equipment, please provide the requested information in Boxes 1-4. This information is required by the receiving office in order to properly route incoming documents.

* ALSO GIVE COPIES TO:
1) CHRIS HART, FO
2) SANDY SHIMASAKI, CEPD

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REQUEST FOR FIELD SERVICES — SHORTTERM

DATE: May 14, 1980
 TO: ALL AREA OFFICES
 FROM: LOS ANGELES AREA OFFICE
 CONTACT: ANDRES P. MARCOS
 PHONE: 8-798-7272
 SUBJECT: Request for Spot Checks for ID 80-16

ISSUANCE: STI #80-0190
 PROJECT: 50163
 PRIORITY: Routine
 TARGET: 6-16-80
 ESTIMATED 2 hr. per check.
 MANHOURS:

Firm: Wham-O Mfg. Co.
 San Gabriel, CA. 91778

Product: "Fun Fountain" toy

The area offices listed below are requested to perform spot checks for this subject ID. All background information accompanies this STI.

Assignments are as follows:

CHI-AO

Belscot
 831 W. 119th St.
 Chicago, Ill. 60643

Alden's
 511 S. Paulina St.
 Chicago, Ill. 60612

CLE-AO

Gaylord's
 6601 Harvard Ave.
 Cleveland, Ohio 44105

Becksmith Co.
 5005 Barrow
 Cincinnati, Ohio 45209

DAL-AO

Ben Franklin
 3030 Glenfield Ave.
 Dallas, Texas 75233

Treasury
 13325 Midway Rd.
 Dallas, Texas 75240

DEN-AO

Montgomery Wards
 555 S. Broadway
 Denver, Colo. 80209

Walgreen's
 12905 E. 39th Ave.
 Denver, Colo. 80239

KAN-AO

Ben Franklin
 2600 Terry St.
 Kansas City, Mo. 64116

Woolworth's
 6th & Locust
 St. Louis, Mo. 63101

LOS-AO

Clark Drugs
 11831 S. Hawthorne Blvd
 Hawthorne, CA. 90250

Hewberry's
 11211 Van Owen
 North Hollywood, CA. 91

TO BE FILLED IN BY AREA OFFICE

DATE COMPLETED: _____

COMMENTS

MANHOURS ACTUALLY
 REQUIRED: _____

TRAVEL TIME REQUIRED: _____

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MIN-AD

La Belles
7701 Nicolet Avenue So.
Minneapolis, Minn. 55423

Target Stores
777 Nicolet Mall
Minneapolis, Minn. 55402

PHI-AD

Hills Dept. Store
8701 Perry Highway
Rt. 19 North
Pittsburgh, Pa. 15237

G.C. Murphy
2001 Oregon Avenue
Philadelphia, Pa. 19145

SFO-AD

Long's Drug Store
2004 Ala Moana Center
Honolulu, Hawaii 96814

Eastman Toy & Hobbies
230 Eastmont Mall
Oakland, Calif. 94605

SEA-AD

Pay n' Save Drugs
1423 NW Market Street
Seattle, Wash. 98107

Ralph Baer & Co.
1925 NW 22nd Avenue
Portland, Oregon 97210

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Memorandum

TO : All Area Offices
CEPD attn: Sandy Shimaski

FROM : Andres P. Marcos, Section 15 Coordinator
Los Angeles Area Office *Andres*

SUBJECT: ID # 80-16
"Fun Fountain" toy
~~Wanamaker Manufacturing Company~~
835 E. El Monte Street
San Gabriel, California - 91778

DATE: 19 March 1980

INITIAL REPORT OF RECALL

- 1) Reason for recall: CPSC believes that the Fun Fountain toy is designed such that it invites children to look into the nozzle and that the force with which the water can come through the nozzle is such that it may cause eye injury upon impact.
- 2) Type of program: CPSC initiated CAP
- 3) Identifying product data including price:

Name : "Fun Fountain"
Price : \$10.00

Product is an orange and white plastic clown with a multi-colored conical hat. The product is used with a garden hose to produce the stream of water so that the hat rises in the air when water flows through the clown's head.

- 4) CAP: The firm will supply free corrective water flow control valve inserts for the toys. The unit is blue plastic device to be inserted in the hose connector of the product.

NOTE: Units with a Blue HOSE CONNECTOR and a BLUE WATER CONTROL VALVE have already been corrected.

Units with a RED HOSE CONNECTOR and a BLUE WATER CONTROL VALVE have already been corrected.

- 5) Injuries, deaths, complaints: CPSC has been informed of two complaints involving two youths who suffered eye injuries when struck at close distance by water emitted from the toys.
 - 6) Number of products involved: 501,500
- 25*
- 250

- 7) Dates of production/distribution and why limited to this period: 1977 thru 1979, when the product was produced.
- 8) Mode of distribution: 80% retailers and 20% wholesalers/distributors
- 9) Geographic distribution: Nationwide
- 10) Estimated life of product: 3-5 years
- 11) CPSC plan for monitoring: LOS-AO will monitor to completion. Spot check assignments to be issued at a later date

/acj

[Handwritten signature]

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WHAM-O
FUN FOUNTAIN
2/29

TELECON

CB FM. JOHN NICKERSON
(BOS 40)

re : WHAM-O

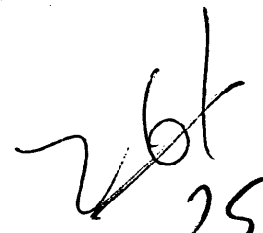
FUN FOUNTAIN point-of-purchase
posters.

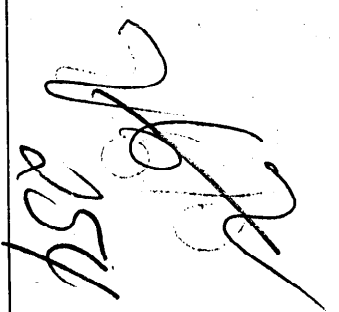
Child World store in Aron, Mass
called John N. + asked if he
could change the poster by
eliminating the words
"This is not a recall
no returns will be accepted." to become
Child World is willing to accept returns.
CB = J.N. knew nothing about
this product or CAP + called
CB.

CB approved Child World's
omission of the words. JN will
relay this to the store.

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MEMO RECORD	AVOID ERRORS PUT IT IN WRITING	DATE March 4, 1980
FROM: Sandi Shimasaki, CEFD		OFFICE
TO: Roger Burrows, LOS AQ		DIVISION
SUBJECT: Wham-O Fun Fountain, ID 80-16		
<p>SUMMARY</p> <p>Enclosed is some additional information I received from Wham-O with regard to their final proposal for their corrective action plan. I did not enclose a copy of the company's point of purchase poster because it measures 22" by 28". Your inspector may wish to pick one up at the company for your information.</p> <p>A joint press announcement should be issued either tomorrow or on Monday March 11.</p> <p>Please contact Wham-O to begin monitoring if you have not already done so. I want to be sure that they begin reporting the progress of their CAP to you soon.</p> <p>We are in the process of writing up their CAP in order to formally accept it. You will be getting a copy of that in about 3-4 weeks.</p> <p>Call me if you have any questions.</p> <div style="text-align: right; font-size: 2em; font-family: cursive;">  253 </div>		
SIGNATURE		DOCUMENT NUMBER

MEMO RECORD		AVOID ERRORS PUT IT IN WRITING		DATE January 8, 1980
FROM: Stanley Christopher, CDD				OFFICE
TO: Roger Burices, LOS 20				DIVISION
SUBJECT: Wham-O Mfg. DB. ID 80-1, Fun Fountain Toy				
SUMMARY				
<p>Attached is the background information on the Wham-O Fun Fountain corrective action plan. We are still working out the final details of their plan to make it acceptable to us.</p> <p>Please begin to monitor this CAF and schedule the initial monitoring inspection. Thanks</p> <p>Roger--Could you please check into Monthly Status Reports which are to be sent to CDD on all open recalls, TP files. We have not received a Status Report from LOS AD since June 1979. We need to know how monitoring is progressing on all of your files. Thanks again. Please call me if you wish to discuss.</p>				
SIGNATURE		DOCUMENT NUMBER		
 254				

INSPECTION-INVESTIGATION COVERSHEET

1. AREA OFFICE CHI		2. OPERATION Insp. _____ Inv. <u>XX</u>		3. DATE 8/8/80		4. REPORT NO. 800805Chi5041	
5. ESTABLISHMENT NAME Whamo Mfg.						6. FIRM IDENTIFICATION NO.	
7. ESTABLISHMENT ADDRESS 835 E. El Monte St. San Gabriel, CA 91788				8. RELATED FIRMS RECEIVED			
9. PRODUCTS INSPECTED Fun Fountain				10. OTHER REGULATED PRODUCTS SEP 11 1980 Division of Product Defect Correction Compliance and Enforcement CPSC			
11. ESTAB. TYPE		12. ANN. SALES	a. PRODUCTS INSPECTED \$ _____ Units _____		b. OTHER REG. PRODS. \$ _____ Units _____		c. TOTAL (Inc. non-reg.) \$ _____
13. I.S. BUSINESS Rec. _____ % Sold _____ %		14. SAMPLES COLLECTED			15. PROJECT		16. HOURS
17. REASON FOR INSPECT./INVEST.-DOC. REF.							
18. EMPLOYEE'S NAME				19. TITLE		20. SIGNATURE	
21. ENDORSEMENT <p>Original follow-up was assigned to determine if the unit involved in the accident had been retrofitted. Visual examination of the Fun Fountain revealed that it had been fitted the blue plastic flow reducer as per the Corrective Action Plan.</p> <p>Investigation shows that a five year old received an eye injury causing redness of the eye ball and the immediate eye area when struck in the eye by the stream of water from the unit.</p> <p>F/U: CHI recommends that CEPD and LOS-RO may want to re-assess the effectiveness of the corrective action.</p>							
22. ENDORSER'S NAME Eric B. Ault for CHI Hazard Assessment Comm.			23. TITLE S.I.		24. SIGNATURE <i>Eric B. Ault</i>		
25. ENDORSEMENT DATE 9/8/80			26. DISTRIBUTION CHI, HIEI, <u>CEPD</u> & LOS				

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H IND 1		INDEX		<h1 style="margin: 0;">EPIDEMIOLOGIC IN-DEPTH INVESTIGATION REPORT</h1>	
1 CASE NO. 800805CHI0019		3			
2 DATE OF ACCIDENT MO DAY YR 07 7 28 80		4			
PRODUCT CODES		5		6 SPECIAL STUDY	
				7 CODER ID	
8 NEISS REFERENCE		BATCH DATE			
HOSPITAL ID		MO DAY YR		RECORD NO.	
NA					
9 DATE INVESTIGATION INITIATED MO DAY YR 08 08 80		10 CONTRACTOR/AREA OFFICE CODE 815		11 CASE SOURCE (POLICE, FIRE, RADIO, NEWSPAPER, NEISS, ETC.) Complaint	
INVESTIGATOR'S ID 84373		REVIEWED BY: ID/DATE 8149		MO DAY YR 08 28 80	
12 TIME SPENT ON INVESTIGATION (total hours) 06		13 ON SITE VISIT MADE IF "NO" EXPLAIN IN NARRATIVE YES-1 NO-2 1		14 PRODUCT PHYSICALLY EXAMINED IF "NO" EXPLAIN IN NARRATIVE YES-1 NO-2 1	
				15 SUPPLEMENTAL GUIDE USED YES-1 NO-2 2	
LOCATION OF ACCIDENT					
16 STATE IL		17 COUNTY Lake		18 CITY Gurnee	
19 GENERAL LOCATION (Home, school, etc.) Home		20 SPECIFIC LOCATION (Gym, kitchen, attic, etc.) Front Yard			
DEMOGRAPHIC DATA					
21 RACE (Use numerical code) WHITE -1 BLACK -2 SPANISH SURNAME AMER. -3 ASIAN AMERICAN -4 AMERICAN INDIAN -5 OTHER -6 1		22 SEX (Use numerical code) MALE -1 FEMALE -2 UNKNOWN -3 2		23 AGE IF TWO (2) YEARS OR OLDER INDICATE AGE IN YEARS PRECEDED BY THE NUMBER "0" IF UNDER TWO (2) YEARS INDICATE AGE IN MONTHS PRECEDED BY THE NUMBER "2" 005	
24 HEIGHT IN INCHES 46		25 WEIGHT (lbs) 048		26 HANDEDNESS (Use numerical code) RIGHT -1 BOTH -3 LEFT -2 UNKNOWN -4 1	
27 EDUCATION IN YEARS 1		28 MARITAL STATUS single		29 OCCUPATION student	
				30 RESPONDENT (S) (MOTHER, FRIEND, ETC.) Mother	
INJURY DATA					
31 TIME OF ACCIDENT (24 hour clock) 1330		32 DAY OF WEEK OF INJURY/ACC (Use numerical code) (Sun-1, Mon-2, Tue-3, Wed-4, Thu-5, Fri-6, Sat-7) 2		33 FIRST AID GIVEN (Use numerical code) YES-1 NO-2 UNKNOWN-3 N/A-9 1	
34 TIME FIRST SEEN IN EMERGENCY ROOM (24 hour clock) N A		35 DATE FIRST SEEN IN EMERGENCY RM MO DAY YR N A		36 EST. NO. DAYS INCAPACITATED 000	
37 PATIENT DISPOSITION (Use numerical code) TREATED AND RELEASED -1 TREATED AND ADMITTED -2 TREATED AND TRANSFERRED -3 EXPIRED IN EMER ROOM -4 EXPIRED AFTER FIRST DAY -5 DEAD ON ARRIVAL -6 OTHER OR UNKNOWN -7 N/A -9 7				38 LENGTH OF STAY IN HOSPITAL (specify in days) ZERO	

H-IND 2		CASE NO. 800805CHI6919	
39 INJURY DIAGNOSIS hematoma		40 BODY PART Right eye	
41 INJURY DIAGNOSIS none		42 BODY PART	
43 INJURY DIAGNOSIS		44 BODY PART	
45 INJURY DIAGNOSIS		46 BODY PART	
47 INJURY DIAGNOSIS		48 BODY PART	
PRODUCT DATA (BE AS SPECIFIC AS POSSIBLE)			
TYPE(S) OF PRODUCT			
49 FIRST water opr. toy		50 SECOND none	
51 THIRD none		52 FOURTH none	
53 NUMBER OF PRODUCTS OF THIS CATEGORY IN HOUSEHOLD 0 1		54 FREQUENCY OF USE 2x/week	
		55 AVERAGE TIME PER USE .75 hr.	
FIRST PRODUCT		MANUFACTURER IDENTIFICATION	
56 TRADE/BRAND NAME MANUFACTURER & ADDRESS		San Gabriel, CA 91778 "Fun Fountain" Whamo Mfg., 835 F. El Monte St.	
57 MOD. NO. none		58 SER. NO. none	
FOR ITEMS 59 THRU 66 USE THESE CODES AND AMPLIFY IN NARRATIVE YES-1 NO-2 UNKNOWN-3 NOT APPLICABLE-4			
59 CERTIFICATION ON PRODUCT (AGA, U/L, ETC.) 2	60 ANY SAFETY DEVICE(S) PRESENT ON PRODUCT 1	61 APPLICABLE SAFETY DEVICE IN USE 1	62 WARNING OR CAUTION STATEMENT PRESENT ON PRODUCT 1
63 WARNING OR CAUTION STATEMENT FOLLOWED 1	64 AGE OF PRODUCT MONTHS PRECEDED BY "2"; YEARS PRECEDED BY "0" 2 0 1	65 PRODUCT STATUS OWNED-1 BORROWED-3 RENTED-2 OTHER-4 1	66 PRODUCT MODIFIED IN ANY WAY, INCLUDING ADDITION OF SAFETY DEVICE(S) 1
SECOND PRODUCT		MANUFACTURER IDENTIFICATION	
67 TRADE/BRAND NAME MANUFACTURER & ADDRESS		None	
68 MOD. NO.		69 SER. NO.	
FOR ITEMS 70 THRU 77 USE THESE CODES AND AMPLIFY IN NARRATIVE YES-1 NO-2 UNKNOWN-3 NOT APPLICABLE-4			
70 CERTIFICATION ON PRODUCT (AGA, U/L, ETC.)	71 ANY SAFETY DEVICE(S) PRESENT ON PRODUCT	72 APPLICABLE SAFETY DEVICE IN USE	73 WARNING OR CAUTION STATEMENT PRESENT ON PRODUCT
74 WARNING OR CAUTION STATEMENT FOLLOWED	75 AGE OF PRODUCT MONTHS PRECEDED BY "2"; YEARS PRECEDED BY "0"	76 PRODUCT STATUS OWNED-1 BORROWED-3 RENTED-2 OTHER-4	77 PRODUCT MODIFIED IN ANY WAY, INCLUDING ADDITION OF SAFETY DEVICE(S)

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H IND 3

CASE NO.

504/
800805CHI0949

THIRD PRODUCT

MANUFACTURER IDENTIFICATION

78 TRADE/BRAND NAME
MANUFACTURER & ADDRESS

None

79

MOD.
NO.

80

SER.
NO.

FOR ITEMS 81 THRU 88 USE THESE CODES AND AMPLIFY IN NARRATIVE

YES-1 NO-2 UNKNOWN-3 NOT APPLICABLE-4

81 CERTIFICATION
ON PRODUCT
(AGA, U/L, ETC.)82 ANY SAFETY DEVICE(S)
PRESENT ON PRODUCT83 APPLICABLE
SAFETY DEVICE
IN USE84 WARNING OR CAUTION
STATEMENT PRESENT
ON PRODUCT85 WARNING
OR CAUTION
STATEMENT
FOLLOWED86 AGE OF PRODUCT
MONTHS PRECEDED
BY "2"; YEARS
PRECEDED BY "0"87 PRODUCT STATUS
OWNED-1 BORROWED-3
RENTED-2 OTHER-488 PRODUCT MODIFIED IN
ANY WAY, INCLUDING
ADDITION OF SAFETY
DEVICE(S)

FOURTH PRODUCT

MANUFACTURER IDENTIFICATION

89 TRADE/BRAND NAME
MANUFACTURER & ADDRESS

None

90

MOD.
NO.

91

SER.
NO.

FOR ITEMS 92 THRU 99 USE THESE CODES AND AMPLIFY IN NARRATIVE

YES-1 NO-2 UNKNOWN-3 NOT APPLICABLE-4

92 CERTIFICATION
ON PRODUCT
(AGA, U/L, ETC.)93 ANY SAFETY DEVICE(S)
PRESENT ON PRODUCT94 APPLICABLE
SAFETY DEVICE
IN USE95 WARNING OR CAUTION
STATEMENT PRESENT
ON PRODUCT96 WARNING
OR CAUTION
STATEMENT
FOLLOWED97 AGE OF PRODUCT
MONTHS PRECEDED
BY "2"; YEARS
PRECEDED BY "0"98 PRODUCT STATUS
OWNED-1 BORROWED-3
RENTED-2 OTHER-499 PRODUCT MODIFIED IN
ANY WAY, INCLUDING
ADDITION OF SAFETY
DEVICE(S)

NARRATIVE

Use the following "outline" in reconstructing the accident sequence and in describing the condition associated with the accident or injury. Include in your narrative as many factors as possible relating to the victim's activities, accident, injury and product(s). Use Supplemental Investigation guide if appropriate. Be sure to enclose photos and diagrams as per instructions to enhance your report.

SYNOPSIS: What product was involved; how the accident occurred; where the accident occurred; who was injured; description of the injury.

PRE-ACCIDENT: Activities of victim prior to accident; unusually tired or fatigued; physical condition (consider: acutely ill, chronically ill, handicapped or disabled, under influence of drugs or alcohol); upset for any reason; awareness that this activity might be dangerous; any safety precautions taken to prevent such an accident; familiarity with proper operation of product; level of experience with product; performed this specific activity before; immediate environment and related factors (atmospheric conditions; obstacles; wet; uneven; rough or slippery surface).

ACCIDENT: Exact activity of victim at time of injury; any distractions or unusual circumstances; in a hurry; relative position of product and part of body injured; type of energy transfer that caused injury (mechanical, electrical, thermal, radiation, chemical); source of energy involved (product, victim, outside source); safety measures/devices being followed or used.

POST-ACCIDENT: Actions of victim, or bystanders, injury treatment; severity of injury; any permanent impairment (nerve damage, stiff joints, loss of sight, etc.); action taken to prevent recurrence; principal dimensions of product involved; physical condition of product after accident.

PRODUCT IDENTIFICATION: Who manufactured the product; where; of what material was the product constructed; any caution instructions, age recommendations; describe any controls on product, such as on/off mechanism; describe any safety device(s) on or included with product, describe general condition of product, broken parts, sharp edges, small removable parts; has the product been repaired, where, when, how; were any parts removed or replaced; was the product assembled when purchased; was the product purchased or rented; where, when; if the product is electrical was it plugged in at the time of accident, was it grounded and/or double insulated; describe the length of cord and its condition; etc.

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SYNOPSIS:

On 7-28-80 at approximately 1330 hours a five year old female suffered a contusion to her right eye which resulted in breaking of blood vessels and hemorrhaging when she was struck in that eye by a stream of water from a Whamo brand Fun Fountain toy. The child was playing with the toy in her front yard.

PRE-ACCIDENT:

The victim's mother stated that the day was unusual in no way. The victim's mother stated the victim arose about nine o'clock and had a normal light breakfast. The victim's mother stated that the victim played that morning as is usual, with other children outside the home. The victim's mother stated that the victim had a normal lunch. The victim's mother stated that at about 1300 hours she connected the hose to the Fun Fountain toy and the victim and four other playmates were playing with the toy at that time.

The victim's mother stated that the victim had not recently been ill, and was in perfect physical health. The victim's mother stated that the victim took no regularly prescribed or CTC drugs. The victim's mother stated that other than the normal excitement of play, the victim was in no special emotional condition.

The victim's mother stated that the product had been purchased on the Fourth of July week-end (July 5-6). The victim's mother stated that the child played with the toy approximately twice a week, and had played with it approximately six times prior to the accident.

The victim's mother stated that she was not aware that the product had been subject of an earlier recall, although she did state that she had some reservations about the design of the product due to the force with which the water came out of the top of the toy. The victim's mother pointed out that the toy had been a impulse purchase by her husband, and that once the child had seen the toy, she did not feel like refusing the toy to the child. The victim's mother said that the victim had been hit in the face with the water stream once before, but in the nose area resulting in no injury.

The victim's mother stated that the day of the accident was clear and warm. There do not appear to be any specific environmental factors that had direct relationship to this accident. The victim was playing with the toy in the front yard of this single family residence, in a grassy area. The victim's mother

stated that at approximately 1:30 she was standing at the door watching the children play.

ACCIDENT:

The victim's mother stated that the victim and the other children were playing with the toy by knocking the hat off of the supporting stream of water and replacing it. The victim's mother stated that the victim had picked up the hat and was running toward the toy to replace the hat on the stream of water. The victim's mother stated that the victim misjudged the distance while approaching the stream of water, and that the stream of water hit the victim in the face area, specifically at the left outer portion of the right eye.

POST-ACCIDENT:

The victim's mother stated that the victim immediately came inside, and that the victim's mother placed the victim on the sofa. The victim's mother visually observed the injured area, noting only redness in the white of the eye at the outside portion, and redness and swelling in the area of the eye. The victim's mother stated that an ice pack was applied at the eye for approximately 10 minutes. The victim's mother stated that there was no permanent injury, and no other medical attention was given to the injury.

The victim's mother stated that she will not allow the child to play with the toy any more. The victim's mother contacted Whamo Manufacturing by telephone subsequent to the accident. The victim's mother received a letter dated 8-5-80 postmarked 8-5-80 from Mr. Kenneth A. Millard who identified himself as Vice-president/General Counsel of Whamo Manufacturing Company, 835 E. El Monte St., San Gabriel, CA 91778. The victim's mother pointed out that in her telephone conversation to Whamo she had stated that the product did not have the plastic reduction device which is used at the hose inlet of this toy to reduce pressure. The victim's mother stated she did not understand that this blue color plastic part would be found at the hose inlet, but had been looking for the retrofit device in the exit area for water at the top of the "clown head". Inspection of the unit finds that the unit did have the blue colored plastic retrofit part installed. In addition, Mr. Millard's letter was accompanied by two of the retrofit kits.

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PRODUCT IDENTIFICATION/INFORMATION:

The product involved is a Whamo Manufacturing "Fun Fountain Toy". This product is a toy which is connected up to a garden hose, consisting of a "clown head", and a detachable "clown hat". When water pressure is applied to the product, the clown hat rises on a column of water. Inspection of the toy found no obvious visible defects. Inspection of the toy finds that the toy had been retrofit prior to sale with a blue-colored plastic reducer in the hose inlet area of the toy. The victim's mother stated that the toy was purchased on or about 7-4-80 at a Tru-Value Hardware Store in Gurnee, IL. Note that this product does have a cautionary statement close to the water outlet at the top of the toy. See photos attached.

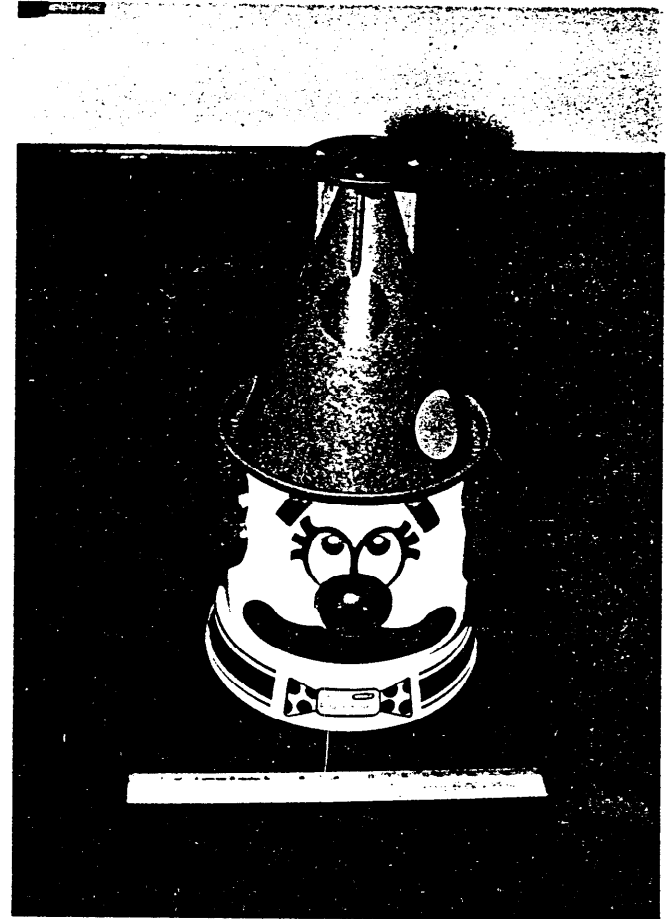
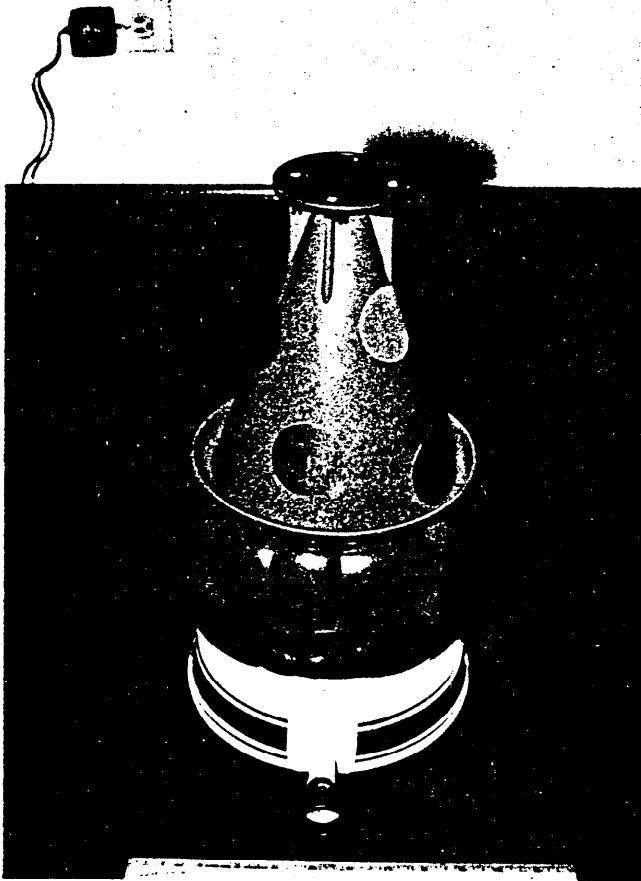
Close visual inspection of the product involved did not find any manufacturing codes or date marks. This toy does bear Whamo name and address embossed on the plastic (see photograph).

EXHIBITS

Photos to be attached when received.

CPSC EXHIBIT 1 DATE 8-13-80
FIRM 800805 CHI 5091

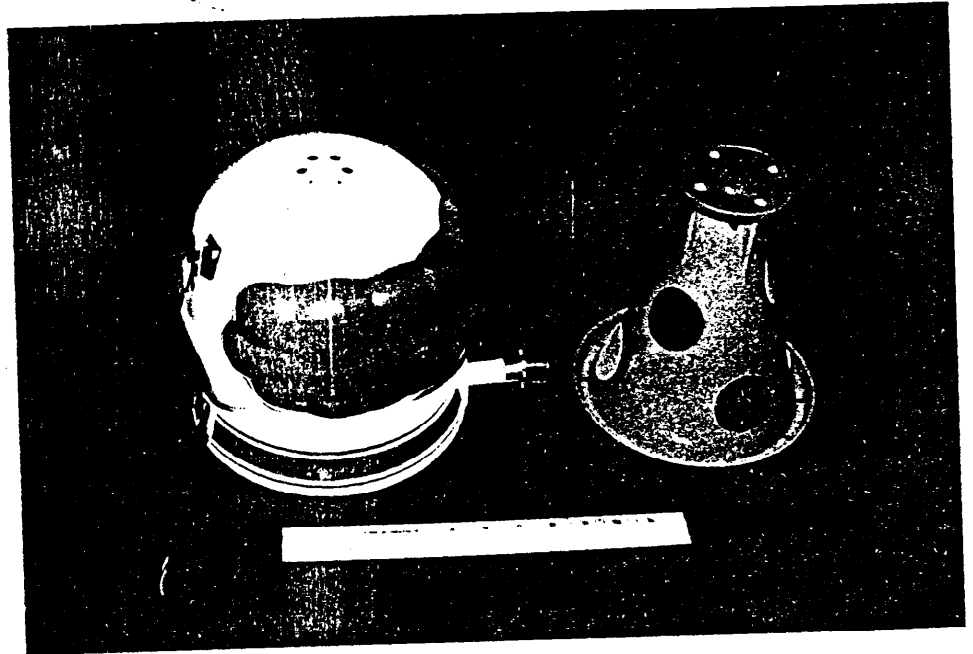
NAME DJ



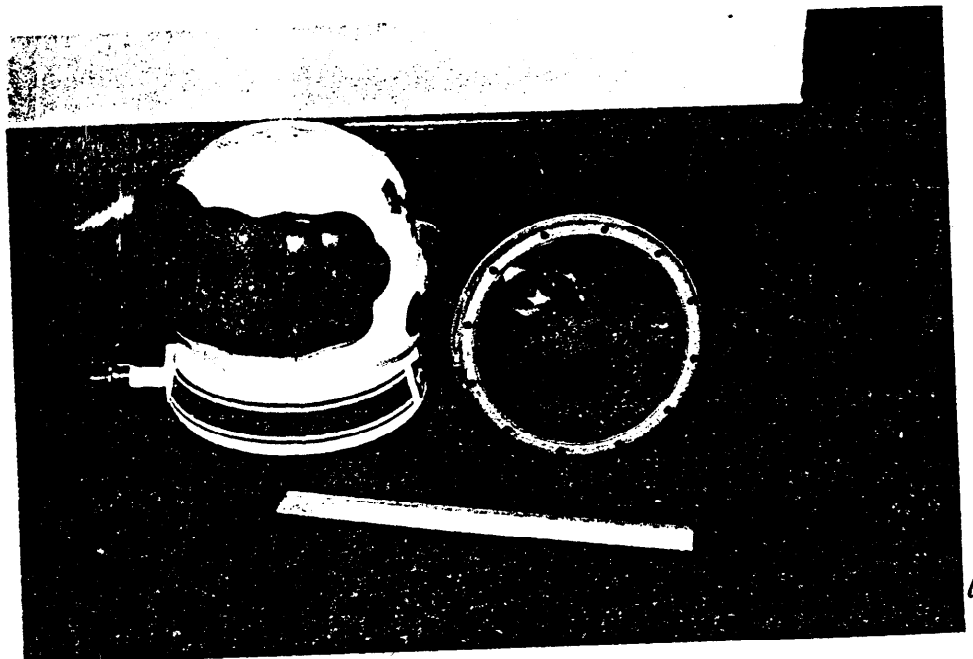
FRONT & REAR VIEW

CPSC EXHIBIT 2 DATE 8-13-80
FIRM 800805 CH/5091

NAME DT



SIDE VIEWS

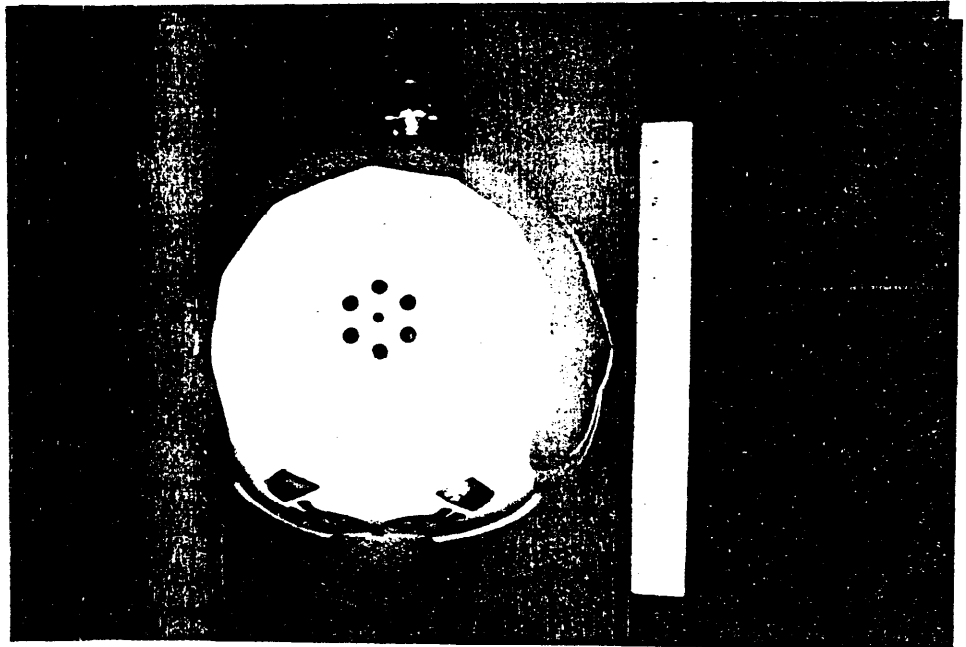


263

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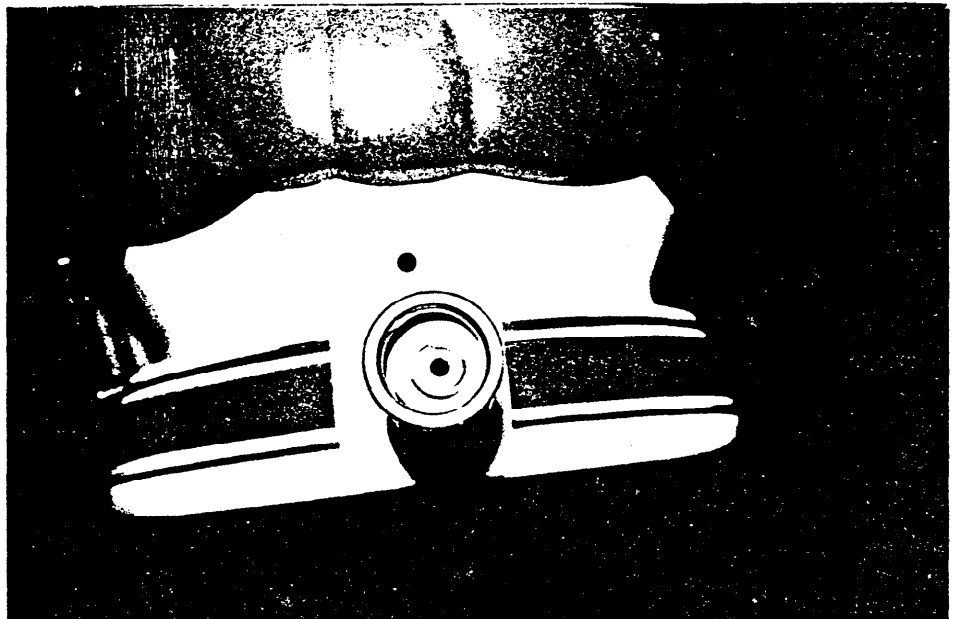
CPSC EXHIBIT 3 DATE 8-13-80
FIRM 800 805 CHL 5041

NAME DJ



TOP VIEW

RETROFIT REDUCER



264

Release

CONSUMER PRODUCT COMPLAINT REPORT

808208

1. NAME OF COMPLAINANT <i>Diane Richmond</i>		2. TELEPHONE NO. <i>662-2197</i>	3. DATE OF INCIDENT <i>7-28-80</i>
4. STREET ADDRESS <i>4981 Oak Lane</i>		5. CITY, STATE, ZIP CODE <i>Gurnee, IL 60031</i>	
6a. DESCRIPTION OF PRODUCT(S) <i>Fun Fountain Toy</i>			
		6b. Date Acquired <i>7-4-80</i>	
7. BRAND NAME <i>Whamo</i>		8. MODEL/STYLE NO.	
9. SERIAL NO.		10. LOT/BATCH NO.	
11. MANUFACTURER, IMPORTER OR DISTRIBUTOR NAME AND ADDRESS <i>Wham-O Mfg. San Gabriel, Calif.</i>		12. DEALER NAME AND ADDRESS <i>TRU-VALVE STORE Gurnee, IL</i>	
13. HOW PRODUCT ACQUIRED PURCHASED NEW <input checked="" type="checkbox"/> SECOND HAND <input type="checkbox"/> OTHER <input type="checkbox"/> SPECIFY _____			
14. SAMPLE AVAILABLE YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		15. WARNING LABEL YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
16. INSTRUCTIONS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>			
17. PRODUCT DAMAGED BEFORE INCIDENT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		18. PRODUCT REPAIRED BEFORE <input type="checkbox"/> INCIDENT <input type="checkbox"/> AFTER <input checked="" type="checkbox"/>	
19. AGE OF PRODUCT (ESTIMATE IF NECESSARY) <i>3 weeks</i>			
IF INJURY OR ILLNESS COMPLETE ITEMS 20 - 24			
20. VICTIM'S AGE <i>5 years</i>		21. VICTIM'S SEX MALE <input type="checkbox"/> FEMALE <input checked="" type="checkbox"/>	
22. BODY PART(S) INVOLVED <i>eye</i>			
23. TYPE OF INJURY OR ILLNESS BURN <input type="checkbox"/> FRACTURE <input type="checkbox"/> CUT <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> SPECIFY <i>brake blood vessels</i>			
24. MEDICAL TREATMENT RECEIVED PHYSICIAN'S OFFICE <input type="checkbox"/> EMERGENCY ROOM <input type="checkbox"/> OTHER HOSPITAL <input type="checkbox"/> OTHER <input type="checkbox"/> SPECIFY <i>NONE</i>			
25. GIVE DETAILS OF COMPLAINT, INJURY, OR ILLNESS. DESCRIBE HOW INCIDENT OCCURRED. USE REVERSE SIDE IF NECESSARY. <i>Individual reports that her daughter was hit in the eye with the water stream from this toy. It brake blood vessels in her eye which turned red and was swollen. This toy had not been modified as per CPSC memo page 145. Complaint was referred by FDA under IRH H.</i>			
FOR COMMISSION USE ONLY			
26. RECEIVING OFFICE <i>CHI-RO</i>		27. DATE RECEIVED <i>8-5-80</i>	
28. RECEIVED BY <i>James O. Mcintosh, SPST</i>			
29. SOURCE OF REPORT LETTER <input type="checkbox"/> PHONE <input checked="" type="checkbox"/> VISIT <input type="checkbox"/> OTHER <input type="checkbox"/> SPECIFY _____		30. DOCUMENT NO. <i>608 0008</i>	
31. FOLLOW-UP ACTION <i>make F/4. Determine why this wasn't recalled</i>		32. PRODUCT CODE(S)	
33. DISTRIBUTION <i>CHI-RO; LOS-RO; HIEI</i>		34. ENDORSER'S NAME AND TITLE <i>M. J. Schuler</i>	

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NEISS 800805CHI5041

SYNOPSIS:

On 7-28-80 at approximately 1330 hours a five year old female suffered a contusion to her right eye which resulted in breaking of blood vessels and hemorrhaging when she was struck in that eye by a stream of water from a Whamo brand Fun Fountain toy. The child was playing with the toy in her front yard.

PRE-ACCIDENT:

The victim's mother stated that the day was unusual in no way. The victim's mother stated the victim arose about nine o'clock and had a normal light breakfast. The victim's mother stated that the victim played that morning as is usual, with other children outside the home. The victim's mother stated that the victim had a normal lunch. The victim's mother stated that at about 1300 hours she connected the hose to the Fun Fountain toy and the victim and four other playmates were playing with the toy at that time.

The victim's mother stated that the victim had not recently been ill, and was in perfect physical health. The victim's mother stated that the victim took no regularly prescribed or OTC drugs. The victim's mother stated that other than the normal excitement of play, the victim was in no special emotional condition.

The victim's mother stated that the product had been purchased on the Fourth of July week-end (July 5-6). The victim's mother stated that the child played with the toy approximately twice a week, and had played with it approximately six times prior to the accident.

The victim's mother stated that she was not aware that the product had been subject of an earlier recall, although she did state that she had some reservations about the design of the product due to the force with which the water came out of the top of the toy. The victim's mother pointed out that the toy had been a impulse purchase by her husband, and that once the child had seen the toy, she did not feel like refusing the toy to the child. The victim's mother said that the victim had been hit in the face with the water stream once before, but in the nose area resulting in no injury.

The victim's mother stated that the day of the accident was clear and warm. There do not appear to be any specific environmental factors that had direct relationship to this accident. The victim was playing with the toy in the front yard of this single family residence, in a grassy area. The victim's mother

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stated that at approximately 1:30 she was standing at the door watching the children play.

ACCIDENT:

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POST-ACCIDENT:

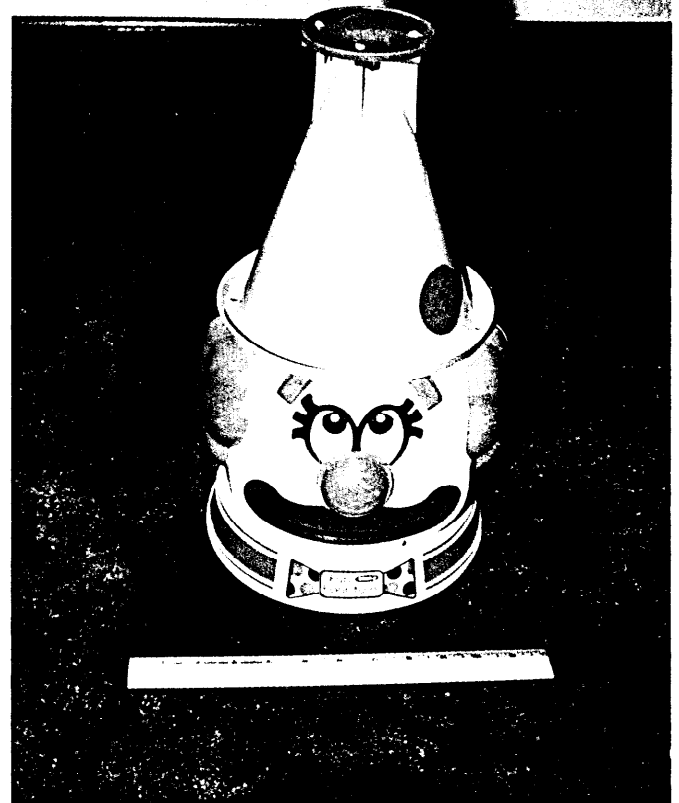
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CPSC EXHIBIT 1 DATE 8-13-80
FIRM 800 805 CH15041

NAME DJ



FRONT & REAR VIEW

PRODUCT IDENTIFICATION/INFORMATION:

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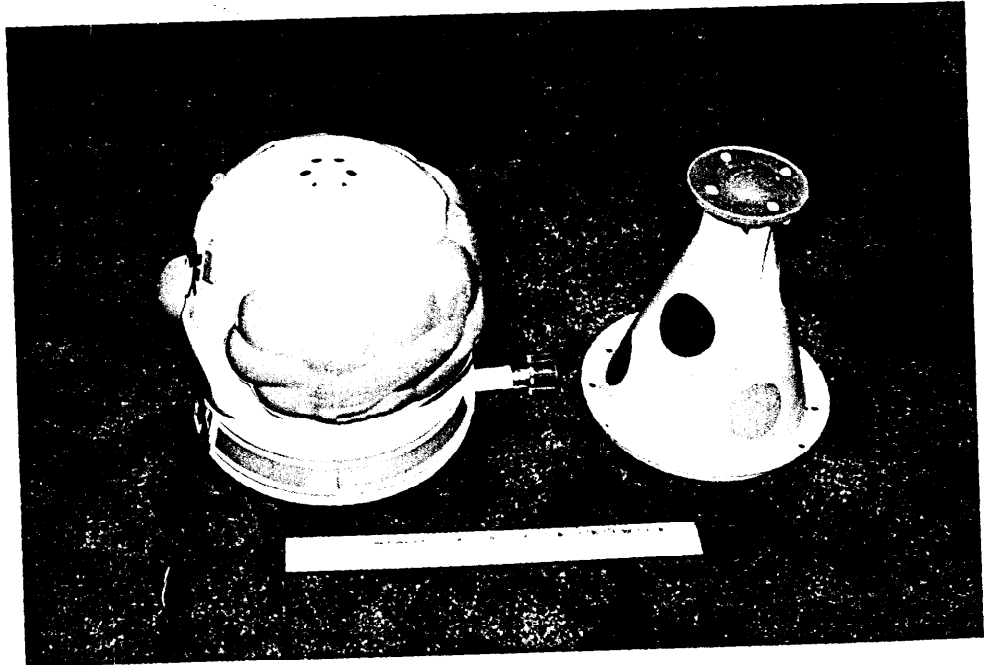
Close visual inspection of the product involved did not find any manufacturing codes or date marks. This toy does bear Whamo name and address embossed on the plastic (see photograph).

EXHIBITS

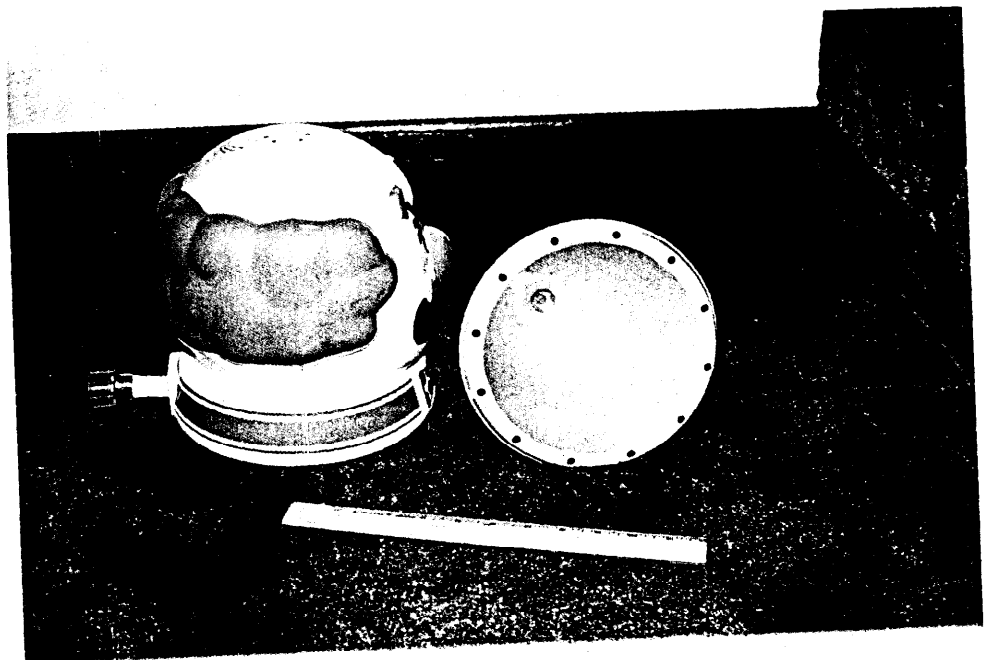
Photos to be attached when received.

CPSC EXHIBIT 2 DATE 8-13-80
FIRM 800805 CH/5041

NAME DT



SIDE VIEWS



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